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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,623	08/31/2001	David Bruce Kumhyr	AUS920010694US1	1304

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EXAMINER	
POLLACK, MELVIN H	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,623	KUMHYR ET AL.	
	Examiner	Art Unit	
	Melvin H Pollack	2145	

-- The MAILING DATE of this communication appears on th cover sh t with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *see attached office action*.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19-21, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 21 recites the limitation "the leader" in claim 19. There is insufficient antecedent basis for this limitation in the claim. Claims 17-19 do not describe a leader. The examiner will assume for this action that claim 21 is dependent upon claim 20.

4. Claim 25 suffers from similar limitation problems.

5. Claims 19 and 20 recite the limitation "the method" in claim 17. There is insufficient antecedent basis for this limitation in the claim. Claim 17 is a system that does not describe such method steps. The examiner will assume for this action that claims 19 and 20 are dependent upon claim 18.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 4-8, 11-13, 15-19, 22, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Fenton et al. (5,619,555).

8. For claim 1, Fenton teaches a method (abstract) for controlling an electronic conference session (col. 1, line 1 – col. 3, line 60) between a plurality of terminals (Fig. 1), said method comprising:

a. Assigning an identifier to each terminal (col. 9, lines 33-45) among a plurality of terminals (col. 4, lines 50-65);

b. Associating at least one identifier with a particular class of terminals among a plurality of classes (col. 9, lines 45-50); and

c. Thereafter, automatically controlling an aspect of participation in the electronic conference session for each terminal of the plurality of terminals assigned with an identifier associated with the particular class (col. 10, lines 1-20 and 35-50).

9. For claim 2, the electronic conference session is a teleconference (col. 5, lines 5-15) and at least one of the plurality of terminals includes a telephone (Fig. 1, #22).

10. For claim 4, Fenton teaches controlling an aspect of participation in the electronic conference session for two or more terminals of the plurality of terminals having identifiers associated with the designated class (col. 9, line 25 – col. 11, line 25).

11. For claim 5, Fenton teaches providing a terminal among the plurality of terminals with access to the electronic conference session in response to receiving an identifier for the terminal (col. 5, line 25 – col. 6, line 35).

12. For claim 6, Fenton teaches that the identifier represents a role in the electronic conference session for a user of the terminal (col. 6, lines 53-63).

13. For claim 7, Fenton teaches modifying an electronic connection between two or more terminals among the plurality of terminals (col. 5, lines 55-60).

14. For claim 8, Fenton teaches terminating the electronic connection (col. 5, lines 55-60).

15. Claim 11 is drawn to a hardware system that implements the method drawn in claim 1. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claim 1 is rejected, claim 11 is also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

16. For claim 12, Fenton teaches that the plurality of terminals are connected by one or more communication paths, each of the plurality providing a user access to the electronic conference via at least one communication path of the one or more communication paths, along which signals representing the user can be transmitted (Fig. 10, #32 and #34).

17. Claim 13 is drawn to a hardware system that implements the method drawn in claim 2. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claim 2 is rejected, claim 13 is also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

18. Claims 15-17 are drawn to a hardware system that implements the method drawn in claims 4, 7, and 8, respectively. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 4, 7, and 8 are rejected, claims 15-17 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

19. Claim 18 is drawn to the limitations in claims 1 and 8. Therefore, since claims 1 and 8 are rejected, claim 18 is also rejected for the reasons above.

20. For claim 19, Fenton teaches that the step of associating includes associating as a function of a code entered into an electronic terminal by a participant as part of a process for gaining access to the teleconference (Fig. 5).

21. Claims 22 and 23 are drawn to a software system that implements the method drawn in claims 18 and 19. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 18 and 19 are rejected, claims 22 and 23 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

23. Claims 3, 9, 10, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton as applied to claim 1 above, and further in view of Gerszberg et al. (6,020,916).

24. For claim 3, Fenton does not expressly disclose that the electronic conference session is a videoconference and at least one of the plurality of terminals includes a video monitor. Gerszberg teaches a method (abstract) of video teleconferencing (col. 1, line 5 – col. 2, line 45) with a terminal including a monitor (Fig. 3). At the time the invention was made, one of ordinary skill in the art would have added videoconferencing to provide new services to an end user (col. 2, lines 20-30).

25. For claim 9, Fenton does not expressly disclose terminating an audio portion of the audio-visual connection. Gerszberg teaches this limitation (col. 8, lines 40-67). At the time the invention was made, one of ordinary skill in the art would have added this feature to Fenton in order to allow user control (col. 2, lines 30-40).

26. For claim 10, Fenton does not expressly disclose terminating a video portion of the audio-visual connection. Gerszberg teaches this limitation (col. 8, lines 40-67). At the time the invention was made, one of ordinary skill in the art would have added this feature to Fenton in order to allow user control (col. 2, lines 30-40).

27. Claim 14 is drawn to a hardware system that implements the method drawn in claim 3. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claim 3 is rejected, claim 14 is also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

28. Claims 20, 21, 24, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton as applied to claims 18, 19, 22, 23 above, and further in view of Sammon et al. (6,563,914).

29. For claim 20, Fenton does not expressly disclose that the step of terminating includes selecting the selected class as a function of a code entered into an electronic terminal by a leader. Sammon teaches a method (abstract) for establishing multi-party teleconferences (col. 1, line 5 – col. 2, line 15) with client identifiers (col. 4, lines 5-10) in which a leader may disconnect another person and/or a group of persons (col. 5, lines 40-50). At the time the invention was

made, one of ordinary skill in the art would have used a termination by leader step in order to ensure proper monitoring and managing of the conference (col. 1, lines 65-66).'

30. For claim 21, Fenton teaches that the leader is one of a plurality of participants (col. 9, lines 35-45).

31. Claims 24 and 25 are drawn to a software system that implements the method drawn in claims 20 and 21. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 20 and 21 are rejected, claims 24 and 25 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP
22 December 2004

JOHN E. BREENY
SUPERVISORY PATENT EXAMINER